- 7 -

REMARKS/ARGUMENTS

Please note that a Request for Continued Examination ("RCE") and the appropriate fee have been filed with this amendment.

Claims 1-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2001/0048447 by Jogo ("Jogo") in view of United States Patent No. 5,798,752 to Buxton et al. ("Buxton et al.").

The Applicant believes that Claims 1 and 9 are patentable over Jogo and Buxton et al. as these references do not teach or suggest the subject matter of Claims 1 and 9. Similarly, the Applicant believes that Claims 2-8 and 10-19, being dependent on Claims 1 and 9, respectively, and adding patentable features thereto, are also patentable over the Jogo and Buxton et al. references. Please note that new Claims 20-27 have been added to better define the invention. The Applicant further believes that these new claims are patentable. No new matter has been entered by these amendments. Consequently, the Examiner is respectfully requested to consider the original, previously presented, and new claims in view of the following comments.

For reference, Claims 1-4 and 9 of the application, as amended by the Applicant's Response of March 15, 2005 to the Examiner's Office Action of December 22, 2004, recite the following:

1. (Original) A method for cropping a computer generated original image on a display, comprising the steps of:

adjusting a user-selected movable boundary on said original image to define a cropped image within said boundary, said boundary defined by two or more points on said original image; and,

distorting said original image in regions surrounding said points, whereby said boundary is accurately positioned for cropping.

2. (Previously Presented) The method of claim 1 wherein said step of distorting further includes the step of applying a lens to one or more of said regions.

- 8 -

3. (Previously Presented) The method of claim 2 wherein said step of applying further includes the step of displaying a graphical user interface ("GUI") over one or more of said regions for adjusting said lens.

4. (Previously Presented) The method of claim 3 wherein said lens includes a focal region and a base region and said GUI includes at least one of : a slide bar icon for adjusting a magnification for said lens; a slide bar icon for adjusting a degree of scooping for said lens; a bounding rectangle icon with at least one handle icon for adjusting a size and a shape for said focal region; a bounding rectangle icon with at least one handle icon for adjusting a size and a shape for said base region; a move icon for adjusting a location for said lens on said boundary; a pickup icon for adjusting a location for said base region within said original image; and, a fold icon for adjusting a location for said focal region relative to said base region.

9. (Original) A method for measuring within a computer generated original image on a display, comprising the steps of:

adjusting a user-selected movable line segment on said original image to define points on said original image for measuring between; and,

distorting said original image in regions surrounding said points, whereby said points are accurately positioned for measuring.

In the "Response to Arguments" section starting on page 6 of the Office Action, the Examiner states the following:

"The Applicant argues, on page 5 and 7, by asserting that both of Jogo and Buxton do not disclose distorting the original image. The Examiner respectfully disagrees...Jogo clear[ly] teaches 'The extracted image data is expanded or compressed to enlarge or [r]educe the cropped image in accordance with the size of each frame 93a of the template 93, i.e., 5.0 cm x 4.0 cm' (Section 78, lines 1-4). Therefore, based on this teaching, Jogo clearly teaches the image distortion, i.e. enlargement or reduction...On the other hand, Buxton also discloses (Fig. 25) wherein the circle image being distorted (stretched) to become an elliptical image. See column 20, lines 43-63..."

- 9 -

With respect to Claim 1, on page 6 of the Applicant's Response of March 15, 2005 to the Examiner's Office Action of December 22, 2004, the Applicant stated:

> "Thus, Jogo discloses enlargement or reduction not of the original image itself but rather of the total area being cropped, in that when the Jogo crop boundary 98a changes, the total coverage of the crop necessarily changes. In contrast, the Applicant's invention involves distortion (e.g., magnification) of local areas of the image to be cropped (i.e., not movement of the boundaries at the point that lenses are applied), prior to the cropping. The distortion is predetermined, prior to the cropping, and is used to improve the accuracy of the cropping, rather than being the outcome of the crop."

One aspect of Claim 1 is directed toward the distortion of regions surrounding points defining a crop boundary to accurately position the points for improved boundary definition.

The selection from paragraph 0078, lines 1-4 of Jogo that the Examiner quotes pertains to FIG. 6F of Jogo. This figure shows a template 93 having eight frames 93a into which a cropped image may be pasted. The Applicant respectfully submits that this has nothing to do with distorting regions surrounding points that define a crop area. The template is a completely different image into which a passport ID photo image of a person that has been cropped from an original image is pasted.

The Applicant respectfully reminds the Examiner that Jogo must be read in context. Paragraphs 0072 to 0077 give the proper context. FIG. 10 shows the overall process of Jogo (see paragraphs 0092 to 0095 as well).

Again, Jogo does not show distortion of the original image. Referring to FIG. 10 of Jogo, in the top diagram reference lines 98 for cropping are shown. In the next diagram, the reference lines 98 are shown superimposed over an original image 80 of a person's face. In the next diagram, the reference lines 98 are shown as being adjusted to bound the person's face in the original image 80 to define a crop boundary 98a. In the next diagram, an cropped image 111 of the person's face is extracted from the original image 80 and is pasted into the frames 93a of a template to produce a synthesized image 110. In the last diagram, a hardcopy 114 of the synthesized image 110 is shown. The original image 80 is not distorted in any way.

- 10 -

Also in the "Response to Arguments" section on page 6 of the Office Action, the Examiner continues: "On the other hand, Buxton also discloses (Fig. 25) wherein the circle image being distorted (stretched) to become an elliptical image. See column 20, line 43-63."

For reference, column 20, lines 43-63 of Buxton states the following:

"The idea of having a local command interpreter can be combined with visual filters. For example, many drawing programs display small user interface objects, called handles, on top of scene objects. By pointing at these handles with the cursor and depressing the mouse button, users can perform translation, scaling, and stretching operations on objects. This idea can be combined with the overlay to provide a variety of different kinds of handles. For example, in FIG. 25, the user has selected two objects of three in a picture; the selected objects are highlighted with small black squares. By positioning a transformation handles tool, the user can see and point at any of a set of control handles (small white squares). Clicking and dragging on the central handle will translate the selected objects. Clicking and dragging any of the other handles will stretch the selected objects...The utility of visual filters that add temporary tools, positioned relative to application objects is particularly apparent when several such filters are available on a single overlay sheet. In this case, the user can alternately make use of one set of temporary tools and then another..."

As noted in the Applicant's Response of March 15, 2005 to the Examiner's Office Action of December 22, Buxton is not applicable to Claim 1 as Claim 1 does not recite anything to do with adjustment handles. In addition, Buxton does not show distortion of regions surrounding points defining a crop boundary to accurately position the points for improved boundary definition.

A combination of Jogo and Buxton does not show distortion of regions surrounding points defining a crop boundary to accurately position the points for improved definition either. If one combined Jogo and Buxton, all one would end up with is a specialized crop boundary definition tool 98 for producing passport photos that has added handles (FIG. 25 of Buxton).

Furthermore, there is no motivation to combine Jogo and Buxton. In particular, the added handles from Buxton could be used to distort the passport photos which would render them useless and possibly illegal. Moreover, the main teaching of Jogo is a boundary definition tool 98 that has a fixed

- 11 -

aspect ratio. While the tool **98** may be stretched to fit over a portrait region **100** in an original image **80** to define the crop **98a**, the fixed aspect ratio must remain intact. If the handles of Buxton were applied to the tool **98** of Jogo, the fixed aspect ratio benefit of Jogo would be lost. In this way, Buxton actually teaches away from Jogo and hence there is no motivation to combine the two references.

Referring to the "Claims Rejections" section of the Office Action, on page 2 the Examiner states:

> "Regarding claim 1, Jogo discloses (Figs. 2, 8A-9B)...distorting (enlarging or reducing the cropped image) the original image (**100**) in regions (upper and lower horizontal regions within the crop boundary **98a**) surrounding the reference point (**98e**), whereby the boundary (**98a**) is accurately positioned for cropping. See page 6, section (0076) and section (0078, lines 1-4). <u>Furthermore, the word 'distort' as defined in Webster's New World Dictionary, Third College Edition, 'change the usual or normal shape, form, or appearance'.</u> Thus, by enlarging or reducing the cropped image, it will change the appearance of the original image..."

The original image is actually shown by reference number **80**. Reference number **100** indicates the person's face in the original image **80**. As explained above, the original image **80** is not distorted. Only the reference lines **98** for the boundary definition tool are adjusted. Distorting the person's face **100** in the original image would produce a passport photo that is useless or illegal or both. The extracted cropped image **111** may be scaled to produce a composite image **110** for printout **114** but the original image **80** is not distorted.

In addition, the definition of "distort" that the Examiner has used is problematic and in fact has been applied wrongly. First, the Examiner is respectfully reminded that he must look to the specification of the application to define the term "distort" and not first to external sources such as dictionaries. Distortion in the Applicant's specification and claims means the application of a lens. The Examiner is respectfully directed to the case of *Phillips v. AWH Corp.* (Fed. Cir. 2005) (en banc.). In that case, the court found that the problem of using dictionaries in claim construction is that they focus the inquiry on the abstract meaning of words rather than on the meaning of claim terms within the context of the patent. Second, the definition of "distort" that the Examiner used recites "change the usual or normal shape, form, or appearance". As the crop tool **98** in Jogo is used to produce passport

- 12 -

photos, it does not "change the usual shape, form, or appearance" of the extracted cropped image **111** as doing so would produce a useless or illegal passport photo.

On page 3 of the Office Action the Examiner states:

> "The only difference between the disclosure of Jogo and the claimed invention is that the claim 1 requires two or more points on the original image, instead of only one reference point (98e) as disclosed by Jogo...However, Buxton discloses (Figs. 1 and 25) a graphical user interface (GUI) for manipulating the graphical images, wherein as shown in Fig. 25, the original image having a plurality of user interface objects or points, called handles, on top of scene image. By pointing at these points or handles with a cursor, users can perform translation, scaling, and stretching (distortion) on the object image. See column 20, lines 43-57. It would have been obvious to a person of ordinary skill in the art to use the graphics user interface control points or handles to scale, stretch, or distort the object image, as taught by Buxton, into the image cropping system of Jogo to provide a user interface technique that allows a user to perform moving, scaling, and stretching the original image as desired by the user with fewer actions, thereby significantly enhancing productivity."

In response, and as mentioned above, Jogo and Buxton cannot be combined in practice. If Jogo were to use two points to define a crop area it would lose the benefit of its characteristic fixed aspect ratio boundary definition tool **98**. If two Jogo type tools **98** were employed, that is, each having its own reference point **98e**, the result would be two cropped images.

With respect to Claim 4, on page 4 of the Office Action the Examiner states:

> "Regarding claim 4, Buxton discloses (Fig. 25) the lens (the overlay) includes a focal region (the central white square handle) and a base region (the region that [is] bounded by the 9 outside white square[s] handles and GUI (handles) includes at least one of a bounding rectangle icon with at least one handle for adjusting a size and a shape for the base region. See column 20, lines 43-63."

- 13 -

The selection from Buxton that the Examiner quotes here has been reproduced above. The overlay of FIG. 25 of Buxton is not a lens. However, it is a GUI for adjusting selected objects in an image. Not being a lens, the overlay does not have a focal region or a base region. In particular, the central white square in FIG. 25 is an icon for a translation control ("Clicking and dragging on the central handle will translate the selected objects"). It is not a focal region as defined in the Applicant's specification.

Thus, the Applicant believes that original Claim 1 is patentable over Jogo and Buxton et al. as these references do not teach or suggest the subject matter of original Claim 1. In particular, Jogo and Buxton et al. do not teach or suggest "distorting said original image in regions surrounding said points, whereby said boundary is accurately positioned for cropping." In addition, the Applicant believes that amended and original Claims 2-8, being dependent on original Claim 1 are also patentable over the Jogo and Buxton et al. references.

With respect to Claim 9, the Examiner states the following on page 7 of the Office Action:

> "The Applicant argues, on page 8, by asserting that both of Jogo and Buxton do not disclose 'distorting said original image in regions surrounding said points, whereby said points are accurately positioned for measuring'. The Examiner respectfully disagrees...Buxon clearly discloses (Figs. 1 and 22) a graphical user interface (GUI) for measuring the graphical images, wherein as shown in Fig. 22, the user can select to click on the object image from the first point to a second point to find out the measured length and slope. See column 19, lines 60-63."

For reference, column 19, lines 54-67 of Buxton recites the following:

> "2.09 Measuring and Defining Tools...Certain of the tools described above extract graphical properties of objects. FIG. 22 shows the use of a click-through button tool that measures geometric properties, namely coordinates, lengths, slopes, and angles. When the user clicks on an object corner through this tool, the coordinates of that corner are reported. If the user clicks again, the system reports the length and slope from the first point to the second. If the user clicks a third time, the system reports the angle made by the last three points clicked. Tools that display information based on what the mouse is pointing at are also useful for

- 14 -

> word processors; for example a tool could display the definition of a word that is selected
> through the tool."

This selection from Buxton just does not show the distortion of regions surrounding measurement points to accurately position the points for improved measurement.

Thus, and also for the reasons given above with respect to original Claim 1, the Applicant believes that original Claim 9 is patentable over Jogo and Buxton et al. as these references do not teach or suggest the subject matter of original Claim 9. In particular, Jogo and Buxton et al. do not teach or suggest "distorting said original image in regions surrounding said points, whereby said points are accurately positioned for measuring." In addition, the Applicant believes that amended and original Claims 10-19, being dependent on original Claim 9 are also patentable over the Jogo and Buxton et al. references.

Given the above, the Applicant respectfully submits that the Examiner wrongly made his Office Action of July 1, 2005 "Final". The Applicant believes that the Examiner wrongly applied Jogo, Buxton, and a dictionary definition of "distort" to the claims of the present application. While the Applicant has filed a RCE and the appropriate fee with the present Response, if the Examiner agrees to the removal of the "Final" status from the Examiner's Office Action of July 1, 2005, the Applicant respectfully requests that the RCE fee be refunded.

To conclude, the Applicant believes that original Claims 1 and 9 are patentable over Jogo and Buxton et al. as these references do not teach or suggest the subject matter of original Claims 1 and 9. Similarly, the Applicant believes that Claims 2-8 and 10-19, being dependent on original Claims 1 and 9, respectively, and adding patentable features thereto, are also patentable over the Jogo and Buxton et al. references. Moreover, the Applicant believes that new Claims 20-27 are also patentable.

- 15 -

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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